

MAXWELL KADEL; JASON FLECK;
CONNOR THONEN-FLECK, by his
next friends and parents, JASON FLECK
and ALEXIS THONEN; JULIA
MCKEOWN; MICHAL D. BUNTING,
JR.; C.B., by his next friends and parents,
MICHAEL D. BUNTING, JR. and
SHELLEY K. BUNTING; SAM
SILVAINE; and DANA CARAWAY

Plaintiffs,

v.

DALE FOLWELL, in his official
capacity as State Treasurer of North
Carolina; DEE JONES, in her official
capacity as Executive Administrator of
the North Carolina State Health Plan for
Teachers and State Employees;
UNIVERSITY OF NORTH CAROLINA
AT CHAPEL HILL; NORTH
CAROLINA STATE UNIVERSITY;
UNIVERSITY OF NORTH CAROLINA
AT GREENSBORO; and NORTH
CAROLINA STATE HEALTH PLAN
FOR TEACHERS AND STATE
EMPLOYEES; and STATE OF NORTH
CAROLINA, DEPARTMENT OF
PUBLIC SAFETY,

Defendants.

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and the UNIVERSITY OF NORTH CAROLINA AT GREENSBORO (“University Defendants”) hereby request an extension of time, through and including April 6, 2021, within which to file and serve their answers or other appropriate responses to Plaintiff’s First Amended Complaint in the above-referenced matter. In support of this Motion, University Defendants show unto the Court the following:

1. Plaintiffs filed their Complaint on March 11, 2019. [DE. 1]
2. Plaintiffs served waivers of service of summons upon University Defendants on or about March 13, 2019.
3. University Defendants, through the North Carolina Department of Justice, returned duly executed copies of waiver of service forms, setting a response date of May 13, 2019. [DE 9-14]
4. On August 3, 2021, Plaintiff Kadel moved to amend his Complaint. [DE 62]
5. On March 5, 2021, the Court granted Plaintiff’s Motion to Amend the Complaint. [DE 74]
6. On March 9, 2021, Plaintiffs filed their First Amended Complaint against All Defendants. [DE 75] University Defendants’ current deadline to serve a response to Plaintiff’s First Amended Complaint, without the extension requested herein, is March 23, 2021.
7. Undersigned counsel has worked diligently to educate himself on the procedural history and claims at issue in this matter, and to prepare a response to Plaintiff’s First Amended Complaint on behalf of University Defendants. Additional time, however,

is necessary for University Defendants and University Defendants' counsel to adequately prepare a response.

8. Undersigned counsel's ability to confer with the University Defendants and finalize their response has been complicated by the current COVID-19 health crisis and the remote working conditions of all persons involved. Due to the COVID-19 crisis, the University Defendants are handling numerous pressing COVID-19 related-issues at this time in addition to the instant civil action. The University Defendants have also been working to address, among other things, concerns regarding the status of university operations for the spring and fall 2021 semesters.

9. Likewise, undersigned counsel is working diligently to meet other pressing demands, deadlines, and responsibilities in the midst of a global state of emergency.

10. The ongoing health crisis constitutes good cause for an allowance of additional time, which will enable the University Defendants and undersigned counsel to more accurately respond to Plaintiff's claims and better preserve the University Defendants' rights and interests.

11. University Defendants respectfully request that they have additional time, through and including April 6, 2021, for counsel to investigate and respond to the allegations in the First Amended Complaint.

12. The time for University Defendants to file and serve an Answer or other response to the First Amended Complaint has not passed.

13. University Defendants seek the extension requested herein for good cause and do not seek an extension for any improper purpose.

14. Counsel for the Plaintiffs were consulted, and Plaintiffs are willing to work with the University Defendants to accommodate their request and consent to University Defendants' request for a 14-day extension of time to respond to the First Amended Complaint.

WHEREFORE, University Defendants respectfully request that the Court grant an extension of time, through and including April 6, 2021, within which to serve and file their Answers or other appropriate responses to the First Amended Complaint.

This, the 17th day of March, 2021.

JOSHUA H. STEIN

Attorney General

/s/Zach Padget

Zach Padget

Assistant Attorney General

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Counsel for Defendants University of North Carolina at Chapel Hill, North Carolina State University, and University of North Carolina at Greensboro

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

This the 17th day of March, 2021.

/s/Zach Padget
Zach Padget
Assistant Attorney General